IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 12599 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgement? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

NATHANI MALIK M

Versus

STATE OF GUJARAT

Appearance:

MR DC SEJPAL for the Petitioner.

Mr.S.N.Shelat, Advocate General, with

Mr.A.D. Oza, GOVERNMENT PLEADER, for the Respondents.

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 08/03/2002

ORAL JUDGEMENT

The petitioner was appointed as Lecturer of Civil Engineering in Dr.Jivraj Mehta Government Polytechnic, Amreli. He was given ad hoc appointment, as, at that time, no G.P.S.C. candidate was available. The appointment was granted for a tenure period of 11 months.

However, on completion of the said period of 11 months, his services were sought to be terminated. The petitioner has challenged the said action by filing this petition.

The facts of this case are identical with the cases which are disposed of by this Court in a group of petitions, i.e. Special Civil Application No. 12350 of 2001, and other cognate matters. This petition is accordingly required to be disposed of on the same lines by which the earlier group of petitions was disposed of by this Court.

I have heard Mr.S.N. Shelat, learned Advocate General, as well as Mr.A.D.Oza, Government Pleader.

Considering the judgment dated 7th March, 2002, given by this Court in the earlier group of Special Civil Applications, i.e. Spl.C.A.No.12350 of 2001, and other cognate matters, the following directions are given :-

It is directed that the respondents should continue the present petitioner in service on the same terms and conditions on which he was initially appointed by the Department, and the respondents are directed to continue him in service till the regularly selected candidate from G.P.S.C. is available or as and when the other regularly selected candidate is available. It will be open to the respondents to terminate the services of the petitioner in case such candidates are available or in case the petitioner's services are not required for want of post or on account of non-availability of requisite strength of students. It is also clarified that as and when any termination order is required to be passed, the respondents shall follow the principle of "Last Come, First Go". Since the petitioner is already in service, it is not necessary to give any direction to reinstate the petitioner in service.

The petition is allowed to the aforesaid extent. Rule is accordingly made absolute to the aforesaid extent with no order as to costs.

8th March, 2002 (P.B. Majmudar, J.)

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(apj)